

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

September 15, 2011

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on September 8, 2011 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending September 14, 2011 in the amount of \$ 248,842.72 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Case

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of September 8 – September 14 , 2011
- Report from the Building Inspector's Office from September 6 – September 13, 2011
- Statement of cash receipts from the Library from August 17 – August 23, 2011
- Finance Department Statement of Revenue and Expenditures for the month of August 2011
- Statement from the City Clerk's Office of all monies received during the month of August 2011 in the total amount of \$32,820.55

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS:

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$714,593.59 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Case

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

James Johnson 30 Steltzer Rd read and submitted a letter to the Council.

7. OTHER ITEMS:

A. THE MAYOR HANDS DOWN THE APPOINTMENT OF ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS TO KARL WEISS EFFECTIVE SEPTEMBER 16, 2011 TO DECEMBER 31, 2015.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Kevin Farrington City Engineer to advertise for bids for Contract # 2011-15 "Durkee Street Parking Lot Curb Improvements."

By Councilor Tiffer; Seconded by Councilor Calnon

Discussion:

Councilor Tiffer asked **City Chamberlain Richard Marks** how much is left in the Special Assessment District for fund balance.

City Chamberlain Richard Marks said almost \$300,000.

Councilor Tiffer said this is after this?

Mayor Kasprzak said no that's where it is presently.

City Chamberlain Richard Marks said this project Kevin's estimating about \$200,000.

Mayor Kasprzak said no.

City Engineer Kevin Farrington said no we don't know for sure until we finalize the design. Probably at least a couple hundred thousand easy maybe more we could use up the \$300,000.

Mayor Kasprzak said I believe it will be more than that, not because I know more than Kevin, it's just my pessimistic attitude. I believe we will do the best we can.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves one Police Officer to attend the "Law Enforcement Directors Association Fall Conference" in Saratoga Springs, NY from October 5 - 7, 2011 at a cost not to exceed \$363 and will be paid out of the Asset Forfeiture fund (travel expense).

By Councilor Calnon; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. Motion to waive rule 4 for initial consideration "Request from Environmental Manager Jon Ruff to attend the "2011 Water Environment Federation Technical Meeting" in Los Angeles, CA from October 17 - 19, 2011 at a cost not to exceed \$1,285.

By Councilor Jackson; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

RESOLVED: In accordance with the request therefore the Common Council approves Environmental Manager Jon Ruff to attend the "2011 Water Environment Federation Technical Meeting" in Los Angeles, CA from October 17 - 19, 2011 at a cost not to exceed \$1,285.

By Councilor Jackson; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: **None**

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from the Community Development Office for a Change Order to Project HOME-8-2009 at 7 Underwood Ave (Dumas) in the total amount of \$1,730.
2. Request from Environmental Manager Jon Ruff to attend the "2011 Water Environment Federation Technical Meeting" in Los Angeles, CA from October 17 - 19, 2011 at a cost not to exceed \$1,285. **(Move to agenda under "Travel Request" Letter B)**

10. NEW BUSINESS:

Councilor Jackson said I attended the Campus/City Coalition meet the neighbor's event last night. There were 4 different locations in the center city and actually one was up on Draper Street this year. I made it a point to seek out the permanent residents that attended the event and I was pleasantly surprised and it's not the first time I've heard it to hear that things are better this year and they've improved over the last 3 years. On opening weekend I ran in to a couple of constituents and I was afraid to ask how things were this weekend. They said for an opening weekend it wasn't bad and things are improving. Its funny going to these events and talking to the students and trying to encourage them to think of this neighborhood as the neighborhood that their parents live in. It's never going to be Utopia it's never going to be perfect but I think we have definitely made some progress.

Mayor Kasprzak said I appreciate you spending time with those folks. I used to do much more but obviously my schedule doesn't always allow it but your there and I know they appreciate it to.

Councilor Jackson said there was an article in the paper today this Bond rating improvement that we received is just absolutely terrific news. It makes a huge difference to us, as it said in the paper; it represents a \$300,000 savings over the life of the bonds that we put out there. We talked about this about a month ago are we going to BAN or are we going to Bond. I think we made the right decision we got a terrific interest rate for the life of the bonds it is an average of 2.67%. We had actually anticipated it being about 3.45% over the life of the bonds that .78% is a \$300 savings to the tax payers of the City of Plattsburgh and I am extremely pleased that we did what we did and its good news for everybody.

Councilor Carpenter said Chris to put it in perspective do you have any information on what the average municipality in New York State has for a rating or is paying for bond figures or anything like that.

Councilor Jackson said right now only 1 in 4 are receiving upgrades. Usually 3 out of 4 are receiving downgrades. Richard would probably know what our percentage of indebtedness is. As far as where we stand against other municipalities I can not answer that question. There is a debt ceiling and I know that we're quite a bit below it. Actually Councilor Calnon and I were talking the other day and a lot of our debt is

MLD debt and MLD is a self financing enterprise. If you look at our total debt what is MLD versus what is General Fund it's even a better thing. I don't know if you want to talk about bringing forth the proposals.

Councilor Calnon said one of the things that is kind of interesting about this is that Moody's did indicate that the city has a higher than average debt load and part of that reason is because of our enterprise funds. MLD is fairly rare among municipals. So while we were at almost 50% higher than average in terms of what percentage are debt limit was again about 1/3 of our debt load is other funds. Richard and I were talking just before the meeting and we have about \$2.9 million in debt service for next year but less than \$2 million of that is General Fund. The rest is MLD, Water and Sewer. So as we look at, I think we should adopt some policies and really talk about where we think we should be in terms of what percentage of our budget should be set as kind of a ceiling for debt service. Not the constitutional tax limit which is a whole other issue but a realistic one. One that really says we really look at this is how much money we want to invest each year. We want to invest 3% of our money every year or whatever figure we agree on. What Chris and I are talking about is in that recognize that some of that isn't based on property value it's based on user fees; water, sewer and MLD. So those are really two different items and I think we'll come up with a policy draft for you all to consider that looks at both of those. Because MLD for example because we make actual cash contributions to a depreciation fund it's already built in to that system. That's where all of those things come from. So I think that as we look at moving forward will propose a policy that hopefully will live well beyond us. Much like the benefits of this rating and these particular bonds, Councils that are sitting here 19 years from now are going to have the benefit of the fact that we got a very good rate this year. I think we want to put on a policy that says here are some of the building blocks of how we got there. So that we encourage sensible councilors to really kind of keep the same things in mind. We have, if you look at our overall debt service, and we will take a look at it when we get in to the budget hearings later this year, we've got some fairly stiff debt payments for the next few years. We get our first big piece paid off for 2016 so things will drop considerably then. But I think we've got to really be very mindful of what happens not only this year and next year but 5 years from now, 10 years from now and ultimately 20 years from now if we're spending bonding money.

Councilor Jackson said the key to that is the rate payer debt, in other words, water, sewer and MLD, that is spread across everybody. It's spread across the not for profit's, its spread across the tax exempt so it's less of a burden on taxpayers. Because the revenue is generated by fees rather than taxes we have to come up with kind of a blended mix when we put the whole policy in front of us to vote on.

Mayor Kasprzak said I am pretty active in NYCOM. I can tell you factually, and I won't give you a percentage but that it's very high that many communities are where we were 5 years ago and with the added tax cap situation I am glad that we have worked hard with everybody to place us in this position versus where they are now and I have no idea what some of these folks are going to do unless they override and raise taxes as a council and that's not going to be popular. Maybe they should have been making difficult decisions years ago.

Councilor Jackson said I heard today that the New York State Pension Fund Balance is \$146 Billion. So it's almost back to what it was of the all time high, that I'm aware of, \$153 Billion.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
MEETING ADJOURNED: 5:47 pm

James Johnson-Read's Submitted into the
Minutes 9-15-11

September 15, 2011 by hand, and copied to others

From James Johnson to City of Plattsburgh elected officials:

This accompanies a bill for the City's unauthorized use of our property at 30 Steltzer Road, 12901, in the amount of \$4700.00 (Four Thousand Seven Hundred Dollars) from August 1 to date at the rate of \$100 per diem, and further rent due from tomorrow forward at the same rate.

A recent letter to me from City Counsel John Clute acknowledges that the City is occupying our property, so this is not an issue that the City can successfully dispute. The details of this matter have already been forwarded to you over the course of several emails.

As an aside to this specific situation: I was informed recently by an official of Luck Brothers that the present scheme (what better word here?) for getting the Saranac River Asphalt Slab down the slope from the road to the river level will now involve moving two major utility poles. One of these is stabilized from the north by cables occupying our property on a legally obtained 15' x 15' easement granted to the lighting department decades ago. Will these cables now have to be moved? The mind boggles at what a Rube Goldberg monstrosity this project has become.

Early in 2010 the City approached us with a plan to take a portion of our lot by eminent domain, but at some point we were informed that the City had decided not to proceed with any legal process. (Apparently it was decided in some smoke-filled room that it would be easier to simply trespass.) Had the City cooperated with us well over a year ago, as indeed we fully cooperated with the City, I expect that a part of our property, satisfactory to us, would have been bought that would have been sufficient to locate the "trail" without moving these poles. Question ONE therefore arises: will the expense of moving these poles approach whatever sum the City might have paid us for a piece of our property? Question TWO arises: will the moving of these poles result in relocations (on a very steep slope) as safe and stable as the present ones?

Question THREE: will the City's elected officials ever come to their senses and admit that this project is an ongoing disaster which is metastasizing on an almost daily basis?

In addition to simple trespass, the City has committed extensive criminal vandalism on our property by excavating a portion of it to a depth of four or more feet. In the course of this, the corner iron boundary stakes at the southeast and southwest corners of our lot were torn up and lost. Therefore, the City is obliged to A: return our property to its original height, and B: conduct a survey at its expense to determine the exact position of the southern corners and replace the stakes in their exact original positions. Or, quite frankly, it would be much simpler for the City to now negotiate with us and buy a part of our lot. We remain open to this solution, but in the meantime the Johnson Family waits for the City's rent payments. This would also relieve the City of certain legal action against it for trespass and vandalism. Let all be reminded here that the City of Plattsburgh's exalted status as a municipal corporation offers it no legal protection against its ongoing criminal conduct against us.

Yours truly, James Johnson

Representing also co-owners Elizabeth Herlihy, Bonnie Lucas, Scott Johnson, and Susan Aceto. My mother Louise Johnson (who just turned 98, has a life estate interest in the property, so rents should be paid to her.)

FYI: my father Edgar bought our lot from St. John's Church on March 21, 1952 for \$850. We moved into our new house on October 3 of that year. The main floor of the house was flawlessly hand-plastered; to this day there is only a single hairline crack, in the living room ceiling. In 1952, a 2 x 4 was, in fact, two inches by four inches. My mother has lived here ever since, for almost 59 years. Our phone number is the same as in 1952. There has NEVER been a delinquent tax, utility, or mortgage payment, and the property has been free of all mortgage debt for decades.

Multiple copies delivered by hand on August 15, 2011 to the City of Plattsburgh Common Council at its weekly meeting

**RENTAL STATEMENT: FOR UNAUTHORIZED USE OF PROPERTY
AT 30 STELTZER ROAD, 12901, BY THE CITY OF PLATTSBURGH,**

From August 1, 2011 through September 15, 2011:
47 days at \$100. per diem = \$4700. now due,
And further rent at the same rate from September 16 forward.

Terms: thirty days, after which compound interest will accrue on any unpaid balance at the rate of 15% per annum, pro rated per diem.

Payable by the City of Plattsburgh to Louise Johnson who holds life estate, at the same address.

Signed by James Johnson on behalf of owners: James Johnson,
Elizabeth Herlihy, Bonnie Lucas, Scott Johnson, Susan Aceto